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*(Additional counsel information omitted)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

## ENTROPIC COMMUNICATIONS, LLC,

**Plaintiff,**

V.

COMCAST CORPORATION;  
COMCAST CABLE  
COMMUNICATIONS, LLC; AND  
COMCAST CABLE  
COMMUNICATIONS MANAGEMENT,  
LLC.

## Defendants.

**No. 2:23-cv-1049-JWH-KES (Lead Case)  
N 3 23 1050 JWH KES**

**No. 2:23-cv-1050-JWH-KES  
(Related Case)**

No. 2:23-cv-1043-JWH-KES (Lead Case)  
N 2 23 1043 JWH KES

**No. 2:23-cv-1048-JWH-KES  
(Related Case)**

Assigned to Hon. John W. Holcomb

**COMCAST DEFENDANTS'  
APPLICATION FOR LEAVE TO  
FILE UNDER SEAL REGARDING  
COMCAST DEFENDANTS'  
MOTION TO DISMISS SECOND  
AMENDED COMPLAINT UNDER  
FED. R.  
CIV. P. 12(b)(1) AND 12(b)(6)**

Local Rule 79-5.2.2

[Filed concurrently with Sealed Declaration of Krishnan Padmanabhan and Proposed Order]

1                   **TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:**

2                   **PLEASE TAKE NOTICE** that, pursuant to Local Rule 79-5.2.2(a) of the United  
 3 States District Court for the Central District of California, defendants Comcast  
 4 Corporation, Comcast Cable Communications, LLC, and Comcast Cable  
 5 Communications Management, LLC (all collectively “Defendants” or “Comcast”)  
 6 hereby request that this Court enter an order permitting them to file under seal:

<b>Document</b>	<b>Portion to be Sealed</b>
Memorandum of Points and Authorities in Opposition to Plaintiff’s Motion for Leave to Supplement Complaint	Pages (as numbered at the bottom of the page): 35-36
Exhibit I to the Memorandum of Points and Authorities (MOCA_1038720-1)	Entirety
Exhibit J to the Memorandum of Points and Authorities (MoCA IPR Policy v1.1 December 2003)	Entirety

17                  Defendants bring this application as required by the Local Rules. Defendants  
 18 seek to file its concurrently-filed Motion to Dismiss the Second Amended Complaint  
 19 (“Motion”) under seal and Exhibits I and J to the Memorandum of Points and  
 20 Authorities because the documents were produced with a designation of “Restricted –  
 21 Attorney’s Eyes Only” pursuant to the protective order entered in these cases.

22                  Defendants’ counsel has informed Entropic Communications LLC’s (“Entropic”)  
 23 counsel of Defendants’ intent to file this application. Entropic indicated that it does not  
 24 oppose Defendants’ application.

25                  **I. FACTUAL BACKGROUND**

26                  On October 31, 2023, this Court entered a Stipulated Protective Order in both  
 27 C.A. 23-cv-1043 (Dkt. 158) and C.A. 23-cv-1049 (Dkt. 106). The Order permits parties  
 28 to designate certain information produced in response to discovery as “Highly

1 Confidential – Attorneys’ Eyes Only.” *Id.* § 2.5 The Order provides that information  
 2 designated as “Highly Confidential – Attorneys’ Eyes Only” is protected material that  
 3 may only be disclosed to limited categories of persons (*Id.* §§ 2.17, 7.1) and that a party  
 4 may seek to file protected material under seal in accordance with Local Rule 79-5 (*Id.*  
 5 § 14.3).

## 6 **II. COMPELLING REASONS EXIST TO FILE UNDER SEAL**

7 In evaluating a motion to seal documents filed with the court, the district court is  
 8 required to “weigh[] the interests advanced by the parties in the light of the public  
 9 interest and the duty of the courts.” *Nixon v. Warner Commc’n, Inc.*, 435 U.S. 589, 602  
 10 (1978). Although courts recognize a general right to inspect and copy public records,  
 11 they also recognize that “access to judicial records is not absolute.” *See Kamakana v.*  
 12 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). A party may apply to  
 13 seal judicial records if it is able to “articulate compelling reasons supported by specific  
 14 factual findings” to outweigh the general history of access and the public policies that  
 15 favor disclosure of the judicial records. *Id.* at 1178-79 (internal quotes omitted). The  
 16 court may then seal the records if it finds “a compelling reason and articulate[s] the  
 17 factual basis for its ruling, without relying on hypothesis or conjecture.” *Ctr. of Auto*  
 18 *Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096-1097 (9th Cir. 2016).

19 Numerous courts in this Circuit have approved applications to seal documents  
 20 containing confidential business information, including confidential agreements that  
 21 disclose contractual terms, where public disclosure of such information could result in  
 22 competitive harm. *See e.g., Instant Brands, Inc. v. DSV Sols., Inc.*, Case No. EDCV 20-  
 23 299 JGB (KKx), 2020 WL 7872200, at \*2 (C.D. Cal. June 11, 2020) (granting motion  
 24 to seal in where documents “detail a confidential commercial agreement between parties  
 25 and other sensitive commercial information”); *see also Coffelt v. Kroger Co.*, Case No.  
 26 EDCV 16-01471 JGB (KKx), 2018 WL 6016133, at \*2 (C.D. Cal. June 21, 2018)  
 27 (finding compelling reasons to seal documents containing “confidential information  
 28 that implicates policies procedures, business practices, agreements, processes and

1 pricing information"); *Finjan, Inc. v. Proofpoint, Inc.*, Case No. 13-cv-05808-HSG,  
 2 2016 WL 7429304, at \*3 (N.D. Cal. Feb. 9, 2016) (granting application to seal redacted  
 3 portions of an opposition related to confidential financial information, strategic business  
 4 considerations, potential acquisition of businesses, and confidential agreements that  
 5 disclose contractual terms); *Bauer Bros. LLC v. Nike, Inc.*, Case No. 09-cv-500-  
 6 WQHBGS, 2012 WL 1899838, at \*4 (S.D. Cal. May 24, 2012) (granting request to seal  
 7 documents, including documents reflecting business agreements, or containing  
 8 marketing information, product development strategies, or non-public, highly  
 9 confidential financial data, because such information could be used for improper  
 10 purposes by competitors); *Exeltis USA Inc. v. First Databank, Inc.*, No. 17-CV-04810-  
 11 HSG, 2020 WL 2838812, at \*1 (N.D. Cal. June 1, 2020) ("confidential business  
 12 information" in the form of "business strategies" are sealable under the compelling  
 13 reasons standard).

14 Defendants' Opposition describes the PPA and its terms, and Exhibit C is the  
 15 PPA. The information contained in the PPA is not generally known by or available to  
 16 the public and is covered by confidentiality provisions contained in the PPA. Public  
 17 disclosure of the information contained in Defendants' Opposition and public  
 18 disclosure of the PPA may violate those confidentiality provisions.

19 For the foregoing reasons, compelling reasons exist for filing under seal  
 20 discussions of the contents of the PPA in Comcast's Opposition to Entropic's Motion  
 21 to Supplement and Exhibit C to Comcast's Opposition.

22 Accordingly, Defendants hereby respectfully request that the Court grant this  
 23 sealing application.

24  
 25  
 26 Dated: December 15, 2023

/s/ Krishnan Padmanabhan

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